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Lawyers push for review into Puplick's tribunal role

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Two Sydney lawyers are calling for a member of the Administrative Appeals Tribunal, Chris Puplick, to have his position on the tribunal reviewed due to an adverse finding against him when he served as president of the NSW Anti-Discrimination Board.

In 2003 Mr Puplick, a former Liberal Party senator, resigned from his posts on the ADB board and as NSW Privacy commissioner after being investigated for improperly acting on behalf a friend in a discrimination case, winning the man a payout.

Chris Puplick's role at the Administrative Appeals Tribunal is being questioned. LYN MILLS

In a report on the incident that was never made public, the NSW Ombudsman wrote: “I had no confidence that he would, into the future, have recognised and acted appropriately should a similar conflict of interest have occurred between his roles as Privacy Commissioner or ADB President on the one hand and his personal or other professional relationships on the other.”

The matter was referred to the Department of Public Prosecutions and the ICAC. No action was taken.
Mr Puplick was appointed to the Administrative Appeals Tribunal in 2017. Appointments to the board are made by the Governor-General at the recommendation of the government via the Attorney-General, and the powerful tribunal reviews a wide range of decisions made by the Commonwealth government, including on a high volume of migration matters.

Both sides of politics have been accused of using the tribunal to give jobs to former political candidates, donors, staffers and MPs. A recent review of the board written by former High Court judge Ian Callinan recommended that "all further appointments, re-appointments or renewals of appointment" should be of lawyers and "on the basis of merit".

But Leonard Karp, a barrister who specialises in administrative law and immigration matters, said that Mr Puplick's position should be reconsidered at once.

He said given finding that Mr Puplick could not recognise a conflict of interest, he is surprised that he was appointed in the first place.

A second Sydney lawyer, Mark Tarrant, has also called on the Attorney General, Christian Porter, to dismiss Mr Puplick saying, "despite showing open contempt for the importance of avoiding conflict of interest, despite securing a financial settlement for a close friend who owed him thousands of dollars [and] despite having no legal training whatsoever Mr Puplick now enjoys the same protections and immunities as a Justice of the High Court.

"Mr Puplick's appointment as as senior member of the AAT has been a serious public policy failure."

Mr Porter responded that in recommending Mr Puplick for the role, "the government considered his long career of public service in various roles gave him appropriate knowledge and skills for the position."

Both Mr Tarrant and Mr Karp are also concerned that when the government recommended Mr Puplick for the appointment, it did not alert the Governor General to the earlier adverse findings against him.

Mr Karp said that not disclosing such important information, "does nothing for the integrity of the board or for confidence in the system."

A spokesman for Mr Porter said: "These issues were canvassed in correspondence to the Attorney-General a year ago and the Attorney replied directly to the complainant, pointing out the independence of the AAT and the fact that it has its own complaints mechanism."

Mr Puplick was contacted for comment last Friday but has not responded.

Declaring an interest in the matter Mr Karp said that he recently appeared before Mr Puplick and that his client lost his case, but that he believed the matter was dealt with fairly.

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